GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal petition filed by Sri K. Subramanyam S/o K. Aswatha Narayana Occ: Rtd. Branch Manager, Syndicate Bank, Kulcharam Branch, Medak District, against the proceedings D.Dis.MC3/4294/2006, dt.14.03.2009 of the District Collector, Anantapur - under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/ 1993) – Appeal Petition dismissed – Orders -Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 11 **Dated: 16-02-2017**
Read the following:

1. Proceedings of the District Collector, Ananthapuram, No.D.Dis. MC3/4294/2006, dt.14.03.2009.
2. Appeal Petition dt.24.03.09 from Sri K. Subramanyam, S/o K.Aswatha Narayana Occ: Branch Manager, Syndicate Bank, Kulcharam Branch, Medak Dist. filed before M(TW & RIAD) , dt.24.03.2009.
3. Govt. Memo No.3063/CV.2/2009, T.W.(CV.2) Dept., dt.06.04.2009 .
4. From the Dist. Collector, Ananthapuram, Lr.D.Dis.MC3/4294/2006, dt.25.05.2009 & 07.05.2010.
5. Govt.Memo.No.3063/CV.2/2009, dt.28.04.2012, 08.05.2015, 22.05.2015, 16.10.2015, 10.11.2015, 15.03.2016 & 29.04.2016.
6. Written arguments filed by the appellant before the Appellate Authority on 14.05.2016.

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ORDER:

In the reference 1st read above, the District Collector, Anantapur has issued orders canceling the ST–Valmiki Caste Certificate obtained from the then Tahsildar, Dharmavaram in 1972 by Sri K. Subramanyam S/o K. Aswatha Narayana.

2. In the reference 2nd read above, Sri K. Subramanyam S/o K. Aswatha Narayana has filed an Appeal Petition before the Government, against the said Proceedings of the District Collector, Visakhapatnam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and issued stay orders on the proceedings of the District Collector and called for the parawise remarks and connected records from the District Collector, Anantapuram in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Anantapur has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri K. Subramanyam S/o K. Aswatha Narayana.

4. The said Appeal Petition has been posted for hearing on 16.08.2007, 31.08.2007, 10.05.2012, 30.10.2012, 21.01.2013, 12.09.2013, 25.10.2014, 13.12.2014, 28.02.2015, 18.04.2015 and finally on 14.05.2016 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The Appellant have attended the said hearing finally on 14.05.2016 before the Hon'ble Appellate Authority and argued the case and explained his community status and filed Written Arguments before the Hon'ble Appellate Authority in support of his community claim in the reference 6th read above.

[P.T.O]

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Anantapur and proceedings of the District Collector, Anantapur, dated 14.03.2009, the Appellate Authority has observed that:

I. The Appellant in his grounds has stated that his forefathers had migrated from Agency Tracts long back, therefore he could not produce any evidence on that, but in so far as migration is concerned sub-rule(3) of Rule 9 of rules made under the Act 16 of 1993 enunciates that the scrutiny committee shall in such cases cause enquiry by the protection of civil rights /vigilance cell also, and they should investigate the social status claimed by a person by sending the inspector of police to the local place of residence of that person and where he usually resides or in case of migration, to the town or city from which he originally hailed from.

II. The appellant has also stated that as per the Constitutional Order, the Valmiki caste was classified under ST category. In Rayalaseema region Valmiki people were called as Boyas also as the names of Valmiki and Boyas are synonyms and Valmiki is refined word of Boya. This is also made clear from the orders of the Government vide G.O.ms.No.2490, Education Department, dated 10.09.1964 and G.O.Ms.No.124, dated 24.06.1985.

III. The District Level Scrutiny Committee has observed that appellant is native of Tadimarri Village of Dharmavaram(M), Ananthapur District. According to the SC/ST Order (Amendment 1956 which came into force with effect from 25.9.1956) read with SC & ST s List (Modification) orders 1956 which came into force with effect from 1.11.1956, Valmiki community in agency area alone is treated as Scheduled Tribe category and in other district the same Valmiki caste is treated as Backward caste only. In Ananthapur district there is no agency area or Scheduled areas and hence people claiming as belonging to Valmiki Boya Caste(BC-A) but not Valmiki, Scheduled Tribe. The appellant Sri K. Subramanyam attended before District Revenue Officer, Ananthapur for enquiry and deposed statement that he was born on 1.2.1953 in Tadimarri village and Mandal and completed his High School studies up to Degree course in various places of Ananthapur District during the years 1966 to 1975 and secured employment as clerk in Syndicate Bank under reservation quota.The Valmiki people living in Agency tracts of Andhra Pradesh are only treated as Scheduled Tribes Sl.No. 11 of the STs list as per the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 1976. The native place of the Appellant i.e. Tadimarri Village, Dharmavaram Taluk of Anathapur District is not declared as Agency Tract. As per GO Ms No. 124, SW(P) Dept., dt 24.6.1985, the “Valmiki” and ‘Boya’ communities occurring in Sl No. 36 are recognized as Backward Caste and as such, Valmiki & Boya communities in Ananthapur District are treated as BC-A group but not ST. and also the surname ‘Kotnur’ and other surnames ‘Dasari’, ‘Tikkili’ & ‘Pittala’ of his community as furnished by the appellant are not found among Valimiki Tribes.

IV. The appellant in his written arguments has stated that he is not having children and retired from the service having rendered 37 years of unblemished service and requested the authorities to appreciate that he has not played any fraud by obtaining the ST-Valmiki caste certificate, but he admits, that the said certificate was treated as BC-A and hence it may be appreciated that he has not played any fraud.

[Contd…]

V. Under section 6(3) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

VI. The Appellate Authority is observed that the appellant admittedly belongs to Boya community, which is notified as BC-A. Basically, Valmiki Community people are inhabitants of East Godavari and Visakhapatnam Districts only. Further, the Appellant has not produced any relevant documents/material in support of his ST-Valmiki community claim before the Appellate Authority except school record at the time of filing the appeal petition , which is generated based on declaration given by the parents. Hence it can be held that mere school certificates cannot be accepted as reflection of true caste of person. Further there is no evidence that the Appellant belongs to ST-Valmiki Community and the appellant failed to produce any evidence even though lot of opportunity was given to him by the Government. The appellant indirectly concedes that he belongs to Boya- BC-A community and not ST-Valmiki community. Therefore, it is clear that the appellant belongs to BC-A Community and not to ST-Valmiki community. Hence no infirmity is found in the above Order of the District Collector.

06. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the Appeal Petition filed by Sri K. Subramanyam S/o K. Aswatha Narayana does not deserve any interference and hence, the Proceedings of the District Collector, Anantapur issued vide D.Dis. MC3/4294/2006, dt.14.03.2009, is hereby upheld and the Appeal Petition filed by Sri K. Subramanyam S/o K. Aswatha Narayana is hereby dismissed.

07. The District Collector, Anantapur is directed to take necessary consequential action in the matter.

08. The records (containing D.Dis.MC3/4294/2006, dt.14.03.2009, pages: CF-1 to 329) received from the District Collector, Anantapur through 4th read above, are returned herewith in original to the District Collector, Anantapur and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Anantapur
(with original records) (BY RPAD)

Sri K. Subramanyam, Flot No.203, 3rd Floor,
Subramanyam Estates, House No. 6-3-662/17,
Jaffer Ali Bagh, Somajiguda, Hyderabad-82.

Copy to:

The Director, TCR& TI, AP, Amravati.
The OSD to Hon'ble Minister(SWE&TWE)
The P.S. to Principal Secretary (TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER